



COPIE

Docket No. 5233-103 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
BOURASSA et al.

Serial No.: 10/796,936

Filed: March 10, 2004

Title: METHOD AND COMPOUND TO
REDUCE THE INCIDENCE OF DIABETES IN
A SUBJECT WITH CHRONIC HEART
FAILURE

: Customer No.
: 26817
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: Group Art Unit: 1614
:
: Examiner: Shirley V. GEMBEH
:
: Confirmation No. 3284
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: x

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R. § 1.131

Sir:

We, Martial G. Bourassa, Jean-Claude Tardif, and Anique Ducharme, Inventors in the above-identified patent application, do hereby declare as follows:

1. We conceived the invention of the above-described application in Canada, a NAFTA country, prior to January 8, 2003, which is prior to the publication dates of the following prior art publications:

Vermes et al., "Enalapril Reduces the Incidence of Diabetes in Patients with Chronic Heart Failure; Insight from the Studies of Left Ventricular Dysfunction (SOLVD)", *Circulation* 2003; 107:1291, published online on February 17, 2003; and

Bauters et al., "Influence of Diabetes Mellitus on Heart Failure Risk and Outcome", in *Cardiovascular Diabetology* 2003, 2:1, published January 8, 2003.

2. We described the invention of the above-described application in a manuscript that was sent to the publisher and was received by the publisher on October 14, 2002, with revision received and accepted on December 3, 2002 by the publisher. These facts are noted on the first page of the above-identified publication of Vermes et al., described above, which publication lists the inventors as co-authors of the publication. A galley copy of the manuscript showing the above dates is attached hereto.

3. There are six co-authors on the Vermes et al. article described above. Co-authors Emmanuelle Vermes, MD, Myriam Lessard, and Michel White, MD did not take part in the conception of the instant claimed invention.

4. We caused a copy of the attached manuscript to be sent to Katherine R. Britt, lawyer/patent agent in Montreal, Canada for the purpose of filing in the U.S. Patent Office. Ms. Britt transmitted a copy of said manuscript to the law firm of Mathews, Collins, Shepherd & McKay for filing in the U.S. Patent Office, which took place on March 11, 2003 with the filing of provisional application U.S. 60/453,767.

5. The above-described application claims priority to provisional U.S. Application 60/453,767, filed on March 11, 2003.

6. We further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and, further, that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

Dated: 2007-09-12 By: MGBourassa
Martial G. Bourassa, MD

Dated: 2007/9/12 By: JCTardif
Jean-Claude Tardif, MD

Dated: 2007-IX-12 By: ADucharme
Anique Ducharme, MD, MSc.